

subject matter. As such, it has been part of the elected invention that was examined. There is no substantial burden on the examiner to continue to examine this subject matter.

Examination of claims 75-84 on their merits is submitted to be in order, and is respectfully requested.

Claims 85, 86, 88 and 89 were rejected under 35 USC § 102 on the grounds that they were considered to be anticipated by the screen images of Microsoft Windows that accompanied the Action. Claims 90 and 91 were rejected under 35 USC § 103 as being unpatentable over these images, and claim 87 was rejected under 35 USC § 103 as being unpatentable over these images in view of the newly-cited Yang et al patent (US 6,301,586). It is respectfully submitted that Microsoft Windows, as represented by the screen images, does not anticipate nor otherwise suggest the claimed subject matter.

The Office Action states that Figure 1 of the screen images shows that highlighted file 110 is dragged and dropped to window 120 to be recorded on a removable storage medium via drive A, with reference to element 130. In connection with the second element of claim 85, the Office Action states that Figure 2 of the screen images shows a “View” control element that enables a user to select from among a plurality of themes. It is respectfully submitted that this image does not disclose the second element of claim 85.

Among other features, claim 85 recites that the control element is “on said window”. Figure 2 of the screen images is not associated with window 120 shown in Figure 1. Window 120 is a browser window for viewing folders and files in the computer’s file system. The menu shown in Figure 2 is not depicted in conjunction with that window, let alone “on” the window, as recited in claim 85. Rather, it appears to be part of a totally different window. The browser window 120 does not even appear in the image of Figure 2. Hence, Figure 2 of the screen images does not disclose the second element of claim 85.

For at least this reason, the screen images do not anticipate the subject matter of claim 85.

Claim 88 recites that the shape of the icons is determined by the selected theme. In rejecting this claim, the Office Action states that the Large icons depicted in Figure 2 have a different shape from the Details depicted in pane 160 of Figure 1. It is respectfully submitted that these two figures do not disclose the claimed subject matter since, as noted previously, Figure 2 depicts entirely different windows from Figure 1. There is no showing that the objects in the window of Figure 2 are the same as the objects shown in Figure 1. The fact that different objects may have different shapes is irrelevant, as far as the claimed feature is concerned.

More importantly, in Microsoft Windows the different options under the "View" menu do not affect the *shape* of the icons that are displayed. In all of these views, a folder icon, for example, has the same shape. It is only the *size* of the icon that changes from one view to another. It is respectfully submitted that the screen shots do not anticipate the subject matter of claim 88.

Claim 89 recites that the defined area in the window is displayed with a background image that is determined by the selected theme. In rejecting this claim, the Office Action states that, in Figures 1 and 2 of the screen images, "a white background image is associated with each theme". It is respectfully submitted that this teaches *away* from the claimed subject matter. If the *same* image is associated with each theme, then that image is not "determined by the selected theme", as recited in claim 89. Rather, the background image is *independent* of the themes. In other words, selecting a particular view does not "determine" the background image. Accordingly, claim 89 is not anticipated by the screen images.

Claims 90 and 91 recite that the removable storage medium is a digital versatile disk (DVD) or a compact disk (CD), respectively. The Office Action takes Official Notice that it

is well known to store data on a DVD or a CD, and alleges that it would be obvious to do so within the context of Microsoft Windows represented by the screen images. While it is true that the general idea of recording data on a DVD or a CD is known, *per se*, the Office Action does not provide any evidence to support the allegation of obviousness. In fact, the browser window 120 of Figure 1 does not support recording data onto a DVD or a CD. Rather, at the time of the reference, a separate application was required to record data onto a CD or a DVD in the Windows operating system. It is not possible to do so by simply dropping and dragging within the browser window 120, as alleged in the Office Action.

Accordingly, it is respectfully submitted that a graphical user interface of the type recited in claims 90 and 91 is not suggested by the screen images of Microsoft Windows.

The Yang patent was cited for its general disclosure of an album for images. However, it does not overcome the differences between the screen images of Microsoft Windows and the claimed subject matter identified above.

It is respectfully submitted that the screen images of Microsoft Windows, whether considered by themselves or in combination with the Yang patent, do not disclose, nor otherwise suggest, a graphical user interface having the elements recited in the pending claims. Reconsideration and withdrawal of the rejections is therefore respectfully requested.

Respectfully submitted,

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